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10/533,875	05/05/2005	Mitsutoshi Shionoya	1089.0560000/ALF	8000

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1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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OBEID, MAMON A

ART UNIT	PAPER NUMBER
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3621

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05/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,875	<b>Applicant(s)</b> SHIONOYA ET AL.	
	<b>Examiner</b> MAMON OBEID	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1- 3 and 5- 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 3 and 5- 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. This is in reply to the amendment filed on February 04, 2008.
2. Claims 1, 3, 5, 6, 7, 8 have been amended.
3. Claim 4 has been canceled.
4. Claims 1- 3 and 5- 8 are currently pending and have been examined.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 1- 3 and 5- 8, as understood by the Examiner, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1, for example, recites: "presenting an acquisition code prerecorded on said information recording medium", and also recites the limitation "wherein a password management table associating said password with said acquisition code is recorded on said information recording medium". Applicant states that the acquisition code is prerecorded on the information recording medium and later states that the acquisition code is recorded as part of the password management table. It is not clear what's being recorded or what has been prerecorded. For example, does the password table get

updated? Or does the whole password table get prerecorded on the recording medium beforehand? Appropriate clarification is required.

***Claim Rejections – 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1- 3 and 5- 8, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Giobbi (U.S. Patent Application Publication No. 2002/0144116 A1) (“Giobbi”) in view of Braitberg et al. (U.S. Patent No. 6,631,359 B1) (“Braitberg”).

10. **As per claims 1, 3 and 8:** Giobbi discloses the following:

- a. presenting an acquisition code prerecorded on said information recording medium to a viewer desiring to view a viewing management target content (¶ [0021]) ;
- b. receiving a password acquired by the viewer from a server computer based on the acquisition code (¶ [0027]);
- c. starting the reproduction of said viewing management target content via an authentication process based on the password (¶ [0032]);

Giobbi does not expressly disclose recording the associated password and generating the acquisition code based on a random number. However, Braitberg discloses the following limitations:

- d. wherein a password management table associating said password with said acquisition code is recorded on said information recording medium (figure 2 and related text);
- e. said prescribed reproduction device presents an acquisition code corresponding to a random number generated according to a prescribed random function (column 12, line 64, column 13, line 29).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Giobbi teachings to include a password management table disclosed by Braitberg to increase content security by making passwords hard to hack or guess.

11. **As per claim 2:** Giobbi discloses *when said viewer acquires the password from said server computer, a viewing fee of said viewing management target content is charged to said viewer* (column 21, lines 9- 30).

12. **As per claim 5, 6 and 7:** The claims are rejected based on the same rationale of claims 1, 3, and 8 shown above.

***Alternative Rejection***

12. Claims 1- 3 and 5- 8, as understood by the Examiner, are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Colvin (U.S. Patent No. 6,799,277 B2) ("Colvin") in view of Braitberg et al. (U.S. Patent No. 6,631,359 B1) ("Braitberg").

13. **As per claims 1, 3 and 8:** Colvin discloses the following:

- a. presenting an acquisition code prerecorded on said information recording medium to a viewer desiring to view a viewing management target content (figure 1a and related text; column 9, lines 54- 66) ;
- b. receiving a password acquired by the viewer from a server computer based on the acquisition code (figure 2 and related text; column 3, lines 1- 39));
- c. starting the reproduction of said viewing management target content via an authentication process based on the password (column 7, lines 32- 65));
- d. wherein a password management table associating said password with said acquisition code is recorded on said information recording medium (figures 3, 4a- 4b, 14b and related text);
- e. said prescribed reproduction device presents an acquisition code corresponding to a random number generated according to a prescribed random function (column 9, lines 54- column 10, lines 1- 18).

Colvin does not expressly disclose recording the password table in the recording medium. However, Braitberg discloses recording license information into a recording medium (figure 2 and related text; column 11, lines 5- 17)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Colvin's teachings to include recording a license information such as password table on the recording medium and disclosed by Braitberg to enable the copyright holder updating, controlling or correcting the control information (license information) previously prerecord on a recording medium to increase content security and to reduce content piracy (see Braitberg at column 6, lines 8- 14; column 14, lines 39- 46).

14. **As per claim 2:** Colvin discloses *when said viewer acquires the password from said server computer, a viewing fee of said viewing management target content is charged to said viewer* (column 21, lines 9- 30).

15. **As per claim 5:** Colvin discloses the following:

- a. *wherein said server computer comprises a viewing management database containing a table corresponding to said password management table* (figures 3, 4a- 4b, 14b and related text), *and*
- b. *wherein a prescribed password corresponding to the prescribed acquisition code received from the information terminal device of said viewer is*

*specified by referring to said viewing management database, and the prescribed password is presented to said viewer (figures 3, 4a- 4b, 14b and related text).*

16. **As per claim 6:** Colvin discloses the following:

- a. *wherein position information for the server is recorded on said information recording medium(column 18, lines 30- 41), and*
- b. *said prescribed reproduction device presents said prescribed acquisition code together with said prescribed position information (figures 3, 4a- 4b, 14b and related text).*

17. **As per claim 7:** Colvin discloses *wherein said viewing management method further comprises a step of urging said viewer to select a viewing management target content (figure 8 and related text).*

18. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Goddard, (U.S. Patent No. 6684240) discloses a method of setting acceptable content rating parameters for filtering content in a ratings-enabled media wherein the acceptable content rating parameters delimit the threshold content ratings levels of content that may be accessed by an information appliance is provided. Employing the present method, a user may set the acceptable content rating parameters of a content control system by blocking or unblocking example content provided by the information appliance, in order to control future access to content similar to the example content. In this manner, specific knowledge of the content ratings scheme employed, or the meaning of specific content ratings used by such a scheme is not required.

b. Barile et al (U.S. Patent No.6831570) discloses a remote control device is configured to select predetermined content prior to providing the remote control device to a media consumer, and provided to the media consumer such that the media consumer associates the remote control device with the predetermined content. In one embodiment, the remote control device is configured to select at least one predetermined content and has a form that identifies the predetermined content for the media consumer.

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1- 3 and 5- 8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mamon Obeid whose telephone number is (571) 270-1813. The examiner can normally be reached on Mon-Fri 9:30 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621